



COUNCIL MINUTES

September 8, 2008

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on September 8, 2008 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Paul Covert, Central Christian Church.

Pledge of Allegiance was led by Councilmember Kavanaugh.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith announced that a citizen has requested that item 6b be removed from the consent agenda.

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that the consent agenda items, with the exception of item 6b, be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the August 25, 2008 Council meetings.

3. Discuss, take public comment and take action on the following Minor General Plan Amendment and zoning case:

3a. Public hearing for Minor General Plan Amendment GPMInor08-03 (District 4).

Mayor Smith announced that this is the time and place for a public hearing regarding Minor General Plan Amendment GPMInor08-03.

There being no citizens present wishing to speak on this issue, Mayor Smith declared the public hearing closed.

3b. Take action on the following resolution:

GPMInor08-03 (District 4) Property located south of University Drive, east of Pasadena, west of Mesa Drive, and north of East Second Street, approximately 26± acres. Request for General Plan Amendment Land Use designation from Arts/Cultural Entertainment to Mixed Use – Town Center. City of Mesa, applicant – Resolution No. 9348. (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)

DDC Recommendation: Approval with Conditions (Vote: 8–0).

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that Resolution No. 9348 be adopted.

Carried unanimously.

3c. Take action on the following ordinance introduced at a prior meeting:

Z08-01TC (District 4) Property located south of University Drive, east of Pasadena, west of Mesa Drive and north of East Second Street (26± acres). The proposed rezoning will eliminate an existing Council Use Permit and Planned Area Development. The underlying base zoning district of Mixed Use – Town Center will remain the same. City of Mesa, applicant – Ordinance No. 4881 (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)

DDC Recommendation: Approval with Conditions (Vote: 8-0).

It was moved by Vice Mayor Jones, seconded by Councilmember Kavanaugh, that Ordinance No. 4881 be adopted.

Carried unanimously.

4. Take action on the following liquor license applications:

*4a. Salty Seniorita

New Bar License for Salty Seniorita, 1860 S. Stapley Drive, Anthem Restaurant Management Inc. – Randy D. Nations, Agent. The previous Restaurant Liquor License held at this location by Salty Seniorita, issued September 8, 2005, will revert back to the State (District 4).

*4b. Westwood Liquors

Person to Person Transfer Liquor Store License for Westwood Liquors, 427 N. Alma School Road, A. Brothers LLC – Olivia Aranki, Agent. The previous Liquor Store License held at this location by Westwood Liquor will transfer to the applicant (District 1).

*4c. Salt N Pepper

New Restaurant License for Salt N Pepper, 1663 E. Main Street, Salt N Pepper #5 LLC – Shahid Hanif, Agent. This is an existing building with no previous liquor license at this location (District 4)

*4d. Pizza Fusion

New Restaurant License for Pizza Fusion, 5735 E. McKellips Road, Suite 107, Treible & Parks LLC – Jennifer Dianne Parks, Agent. This is an existing building with no previous liquor license at this location (District 5).

5. Take action on the following contracts:

*5a. Purchase of Wireless (Wi-Fi) Network software, equipment and services for the Police Department (Fully Federally Funded through Community Oriented Policing Services [COPS] and Justice Assistance [JAG] Grants).

The Procurement Services Department recommends authorizing purchase from the State of Arizona contracts with Insight Public Sector, Inc. at \$266,795.51 and ASAP Software Express, Inc. (DELL) at \$130,022.52, for a combined total of \$396,818.03, including applicable taxes.

*5b. Purchase of a replacement moveable “Air Wall” System for the Mesa Convention Center (Mesa Convention & Visitors Bureau Funding).

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Hufcor/Arizona, Inc. at \$72,593.39, including sales taxes.

*5c. Dollar limit Increase to the supply contract for water meters for the Utilities Department, Water Division (Funded by Utility Service Fees).

The Procurement Services Department recommends increasing the dollar limit of the contract with Dana Kepner Company by \$513,581.34 to \$1,259,283.13 for the remainder of this contract, based on estimated requirements.

- *5d. One-year renewal of the supply and maintenance services contract for Fire Extinguishers for the Fire Department.

The Procurement Services Department recommends authorizing a one-year renewal through the State of Arizona contract with American Fire Equipment Sales and Service Corp. at \$43,320.00, including applicable sales tax.

- *5e. One-year extension of authorization to purchase refuse truck parts for the Fleet Services Department.

The Procurement Services Department recommends authorizing a one-year extension to purchase off the City of Scottsdale contract with Arizona Refuse Sales at \$64,980.00 annually, based on estimated requirements, including applicable sales tax.

- *5f. Amendment of a previous award to include the purchase of an additional electronic message center sign for the Arts & Cultural Department, Mesa Arts Center (Public Art Restricted Fund).

The Procurement Services Department recommends amending a previous award to include an additional purchase from the Maricopa County Community College District contract with Young Electric Sign Company in the amount of \$183,687.69 including applicable taxes.

- *5g. Ancillary Employee Benefit Insurance Programs for Plan Year 2009 as recommended by the Employee Benefits Advisory Committee.

Recommend award to CIGNA Group Insurance for Basic Life Insurance and Accident Death and Dismemberment in the amount of \$371,459; Long-term Disability in the amount of \$131,460 (based on estimated payroll); and Voluntary Life Insurance (employee paid).

Recommend award to The Hartford Company for Commuter Death Benefit Insurance in the amount of \$15,000.

6. Introduction of the following ordinances and setting September 22, 2008, as the date of the public hearing on these ordinances:

- *6a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways, 10-3-15 (B).

On the south side of Brown Road with centerline approximately 265 feet east of Ellsworth Road. (Brown Road east of Ellsworth, District 5).

One-Way Streets, Alleys, and Driveways, 10-3-16(B):

The alley east of and parallel to Williams between Broadway Road and Elton Avenue. (South of Broadway Road west of Gilbert Road, District 4).

The alley south of and parallel to 5th Avenue between Williams and Hall. (South of Broadway Road west of Gilbert Road, District 4).

Special Stops Required, 10-3-17:

On Mountain Bridge Drive south of McKellips Road. (Hawes Road alignment south of McKellips Road, District 5).

Speed Limits (45 mph) 10-4-3 and Speed Limits (35 mph) 10-4-5:

Decrease the speed limit from 45 mph to 35 mph on Pecos Road from Mountain Road to the east City limits. (Pecos Road east of Signal Butte Road, District 6).

City Parking Lots and Garages 10-5:

Delegate authority to establish and implement parking prohibitions to the City Traffic Engineer (as is the case with on-street parking prohibitions), require vehicles to be parked only in signed or marked spaces, and provide for enforcement of violations if vehicles are not parked in signed or marked spaces.

- 6b. Amending Chapter 17 of the Zoning Ordinance by revising existing definitions and requirements related to the placement of manufactured homes within recreational vehicle parks and recreational vehicle subdivisions.

P&Z Recommendation: Approval. (Vote: 5-0-1 with Boardmember Mizner abstaining and Boardmember Salas absent).

Dave Udall, 30 West 1st Street, an attorney representing the applicant, stated that the ordinance proposed for introduction would allow manufactured homes in recreational vehicle (RV) parks. He advised that he has been negotiating with individuals in opposition and believes that an agreement has been reached. He proposed that the ordinance be introduced this evening with an amendment that limits the size of manufactured homes in RV parks to a maximum of 1,100 square feet. Mr. Udall added that he would continue to negotiate with the opposition during the next two weeks.

City Attorney Debbie Spinner clarified that any changes made to the introduced ordinance during the next two weeks would require that the ordinance be reintroduced at the September 22, 2008 Council meeting.

Mr. Udall confirmed that he understood that changes would require a reintroduction of the ordinance.

Zoning/Civil Hearing Administrator Gordon Sheffield came forward to provide information on the placement of the amended language in the proposed ordinance, which he recommended be included under item 11, a through e.

It was moved by Councilmember Higgins that the proposed ordinance, amended to limit the size of manufactured homes in RV parks to a maximum of 1,100 square feet, be introduced and that September 22, 2008 be established as the date for the public hearing.

Mayor Smith declared the motion failed for lack of a second.

In response to a question from Councilmember Higgins, Mr. Sheffield explained that a square foot limitation would apply to any enclosed space, including an "Arizona room" and storage, but excluding carports and patios.

Mayor Smith noted that the action before the Council was the introduction of the ordinance, and he stated that the Council had time to obtain additional information prior to the ordinance being presented for adoption at the September 22, 2008 Council meeting.

It was moved by Councilmember Somers, seconded by Councilmember Higgins, that the proposed ordinance, amended to limit the size of manufactured homes in RV parks to a maximum of 1,100 square feet for the enclosed structure, be introduced and that September 22, 2008 be established as the date for the public hearing.

Councilmember Kavanaugh expressed concern regarding the long-term sustainability of creating hybrid entities, such as the one being proposed, and therefore he stated that he would vote in opposition to the motion.

Councilmember Richins said that the viability of the proposal was dependent on site planning, such as placing RV's close to the roadway access and placing manufactured homes to the rear of the property, and he expressed confidence in City staff's ability to make that determination.

Councilmember Higgins requested that the Council be provided with additional information regarding the differences between RV parks, RV subdivisions, manufactured home parks and manufactured home subdivisions.

City Manager Christopher Brady suggested that a presentation on this subject be scheduled for one of the Study Sessions prior to the September 22, 2008 Council meeting.

Councilmember Somers concurred that the Council should receive additional information on this subject, and he expressed support for introducing the amended ordinance at this meeting.

Councilmember Finter said that he would like additional information regarding setbacks and the impact of the proposed ordinance with regard to the Zoning Code update.

Mayor Smith noted that Debi Isley, 1024 East Lobo Avenue, completed a speaker/comment card in support of the item, but indicated that she did not wish to address the Council. He agreed that the Council should receive additional information, and he expressed support for the motion.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES – Finter-Higgins-Jones-Richins-Smith-Somers
NAYS – Kavanaugh

Mayor Smith declared the motion carried by a majority vote.

- *6c. **Z08-27 (District 6)** 8745 East Warner Road. Located west of Ellsworth Road and south of Warner Road (216± ac.). Council Use Permit. The applicant requested two freeway landmark signs as part of the Entrada at the Santan Development Master Plan. Via West Properties, Steven Schwarz, owner; Jason Morris; Withey, Morris, PLC, applicant.

P&Z Recommendation: Approval with Conditions for one (1) FLM sign. (Vote: 5-2 with Boardmembers Mizner and Roberts nay).

DRB Recommendation: Approval with Conditions for one (1) FLM sign. (Vote: 5-0 with Boardmembers DiBella and Lambright absent).

(Consent Agenda: Approval of P&Z and DRB Recommendation for one (1) freeway landmark sign located at the 202 and Warner Road).

7. Take action on the following resolutions:

- *7a. Granting a Power Distribution Easement to Salt River Project on city-owned property at 3260 North 40th Street – Resolution No. 9343 (District 5).

This easement is necessary to provide electrical facilities and power to the property east of the City's Public Safety Training Facility.

- *7b. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$10,000 for the Project Safe Neighborhoods – Gun Violence Prevention Program in the Police Department – Resolution No. 9344.

- *7c. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$156,000 for the Full Service Forensics Crime Laboratory Program in the Police Department – Resolution No. 9345.

- *7d. Approving and authorizing the City Manager to execute an Intergovernmental Agreement among the City of Mesa, Town of Gilbert, City of Apache Junction, Apache Junction Fire District and the Town of Queen Creek to enter into the TOPAZ Regional Wireless Cooperative as recommended by the Public Safety Committee (Approval. Vote: 3-0) - Resolution No. 9346.

- *7e. Approving and authorizing the City Manager to submit an application for a Section 108 Loan Guarantee up to the amount of \$17,500,000 from the U.S. Department of Housing and Urban Development (HUD) on behalf of the City of Mesa for an Economic Development Loan Fund and authorizing the City Manager to execute related

amendments to the FY 2008/2009 Annual Action Plan and FY 2005-2009 5-Year Strategic Plan – Resolution No. 9347.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

*8a. **A08-17 (District 4)** Annexing land located south of US 60 and east of Country Club Drive (44.11± acres). Initiated by Dana Belknap, Gallagher & Kennedy PA representing the property owner – Ordinance No. 4876.

*8b. **Z08-48 (District 4)** The 1600 and 1700 blocks of South Country Club (east side). Located southeast of US 60 and Country Club Drive. (44± acres) Establish M-2 and C-3 zoning. This case will establish city zoning. Patrick Cusack, Horner Clyde/Cowley Duke/Cusack Pat Tr and John Helms, Empire Southwest LLC., owners; City of Mesa, applicant – Ordinance No. 4877.

PHO Recommendation: Approval with Conditions.

*8c. **Z08-49 (District 4)** The 1600 and 1700 blocks of South Country Club Drive (east side). Located southeast of US 60 and Country Club Drive. (50± acres) Rezone from M-1, M2 and C-3 to M1-PAD and Site Plan Review. This case is for a campus industrial use. Patrick Cusack, Horner Clyde/ Cowley Duke/Cusack Pat Tr and John Helms, Empire Southwest LLC. owners; Dana Belknap, applicant – Ordinance No. 4878. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 5-0 with Boardmembers Roberts and Salas absent.)

*8d. **Z08-51 (District 6)** 6747 East Broadway Road (south side). Located west and south of Broadway Road and Power Road. (1.34± acres). Rezone from C-2 to AG and Site Plan Review. This request will allow for the expansion of an existing cemetery – Ordinance No. 4879. ***(Notified property owners, homeowners associations and registered neighborhoods.)***

PHO Recommendation: Approval with Conditions.

*8e. **Z08-52 (District 6)** 11318 East Pecos Road (north side). Located east and north of Pecos Road and Mountain Road. (5± acres). Rezone from M-1 PAD to M-2 PAD. This case will rezone to allow for M-2 uses utilizing the approved site plan – Ordinance No. 4880. ***(Notified property owners.)***

PHO Recommendation: Approval with Conditions.

9. Take action on the following subdivision plats:

*9a. “FIRST MESA COMMERCE PARK, PHASE 1” (District 6) 9602 East Elliot Road (north side) located north and east of Ellsworth Road and Elliot Road. 1 C-2 commercial lot and

7 M-1 industrial lots (79.84 ac.). First Industrial Investment, Inc., Michael W. Brennan, president, and Southwest Gas Corporation, Jeffrey Shaw, CEO, owners; Michael Banta, David Evans and Associates, surveyor.

- *9b. "MAP OF DEDICATION FOR MOUNTAIN BRIDGE – EAST UPPER CANYON DRIVE – PHASE 1" (District 5) 2161 North Hawes Road (east side) located north and east of McKellips Road and Hawes Road. (7.99 ac.) Jeff Blandford, manager, Pinnacle Ridge Holdings, L.L.C., owner; Darrell Smith, Wood, Patel & Associates, Inc., engineer.
- *9c. "CARMEL AT MOUNTAIN BRIDGE" (District 5) 2063 North Hawes Road (east side) located north and east of McKellips Road and Hawes Road. 46 R1-15 PAD DMP single residence lots (35.28 ac) Jeff Blandford, manager, Pinnacle Ridge Holdings, L.L.C., owner; Darrell Smith, Wood, Patel & Associates, Inc., engineer.

*9.1. Take action on the adoption of a Notice of Intent to enter into a retail development tax incentive agreement ("bed tax") with DMB Mesa Proving Grounds, LLC, a Delaware limited liability company and Gaylord Mesa, LLC, a Delaware limited liability company, for the development of approximately 285 acres of the former General Motors Proving Grounds facility, located generally at the south of Elliot Road and east of Ellsworth Road.

10. Items from citizens present.

There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:12 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 8th day of September 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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